



Docket No.: 101896-0474
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michael Mahoney et al.

Application No.: 10/579,146

Confirmation No. 8927

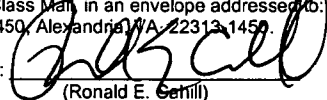
Filed: May 12, 2006

Art Unit: 3733

For: SYSTEMS AND METHODS FOR SPINAL
SURGERY

Examiner: Not Yet Assigned

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 9, 2006 Signature:  (Ronald E. Cahill)

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed within three months of the U.S. filing date (37 CFR 1.97(b)(1)).

Application No.: 10/579,146

Docket No.: 101896-0474

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

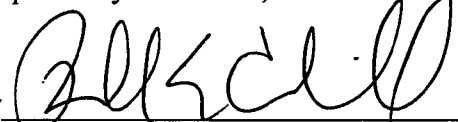
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0474.

Dated: August 9, 2006

Respectfully submitted,

By 

Ronald E. Cahill

Registration No.: 38,403

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2782

(617) 310-9782 (Fax)

Attorney for Applicant



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete If Known		
			Application Number	10/579,146	
			Filing Date	May 12, 2006	
			First Named Inventor	Michael Mahoney	
			Art Unit	3733	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	101896-0474

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		4,743,256	05-10-1988	Brantigan	
		4,834,757	05-30-1989	Brantigan	
		4,878,915	11-07-1989	Brantigan	
		5,192,327	03-09-1993	Brantigan	
		5,425,772	06-20-1995	Brantigan	
		5,609,635	03-11-1997	Michelson	
		5,716,415	02-10-1998	Steffee	
		5,766,252	06-16-1998	Henry et al.	
		5,984,922	11-16-1999	McKay	
		6,059,829	05-09-2000	Schlapfer	
		6,086,595	07-11-2000	Yonemura et al.	
		6,156,040	12-05-2000	Yonemura et al.	
		6,245,108	06-12-2001	Biscup	
		6,270,498	08-07-2001	Michelson	
		6,277,149	08-21-2001	Boyle	
		6,569,168	05-27-2003	Lin	
		6,582,437-A1	06-24-2003	Dorchak et al.	
		6,599,294	07-29-2003	Fuss	
		2002/0077632	06-20-2002	Tsou	
		2002/0165550	11-07-2002	Frey	
		2003/0032966	02-13-2003	Foley	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

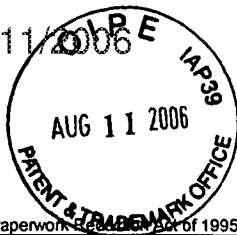
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		International Search Report, from corresponding PCT/US05/04136, mailed July 25, 2005.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Larry Waggle, Jr/	Date Considered	09/03/2009
-----------------------	--------------------	--------------------	------------

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LEW/



Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/92 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application No. (if known): 10/579,146

Attorney Docket No.: 101896-0474

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on August 9, 2006
Date

Signature

Ronald E. Cahill

Typed or printed name of person signing Certificate

38,403

Registration Number, if applicable

(617) 439-2782

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement (2 pages)
PTO Form SB/08 (1 page)
Copy of one (1) reference
Return Receipt Postcard

1553086.1